

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

UNITED STATES OF AMERICA

v.

ROBERT ALLEN STANFORD,
LAURA PENDERGEST-HOLT,
GILBERTO LOPEZ, MARK
KUHRT, *and* LEROY KING

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Criminal Action No. H-09-342

ORDER

Pending before the Court is Defendant Robert Allen Stanford's Motion for Protective Order (Document No. 139). Having considered the motion, argument presented during an oral hearing held on November 17, 2009, and applicable law, the Court determines Defendant's motion should be denied at this time.

On October 14, 2009, Defendant Robert Allen Stanford ("Stanford") filed the pending motion seeking an order from this Court excluding him from complying with certain provisions of the Amended Order Appointing Receiver ("AOAR") issued by the United States District Court for the Northern District of Texas in the civil proceedings pending against him in that court, *Securities & Exchange Commission v. Stanford International Bank, Ltd.*, No. 3:09-cv-298-N (N.D. Tex.), (the "SEC Action"). The AOAR grants the receiver ("Receiver") in the SEC Action broad powers to seek and obtain any document Stanford, his attorneys, or others¹ may

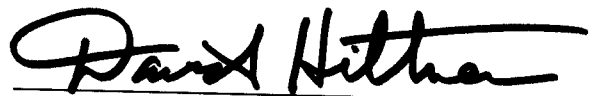
¹ Defendants Laura Pendergest-Holt, Gilberto Lopez, and Mark Kurht joined in this motion and adopted Stanford's reasoning at the oral hearing, arguing that the AOAR extends to any

obtain in preparing the defense in this criminal case, which the Receiver deems relevant to the receivership and the SEC Action. Stanford contends that compelling his compliance with the AOAR would violate: (1) his Sixth Amendment right to assistance of counsel; (2) attorney-client privilege; (3) attorney work-product privilege; (4) and Rule 16 of the Federal Rules of Criminal Procedure.

The Court determines that because Stanford seeks relief from an order of the United States District Court for the Northern District of Texas, his motion for relief from such order is more appropriately initially raised before that court. Thus, Stanford should first seek relief from the broad provisions of the AOAR in the United States District Court for the Northern District of Texas. Accordingly, the Court hereby

ORDERS that Defendant Robert Allen Stanford's Motion for Protective Order (Document No. 139) is DENIED at this time subject to reconsideration at such time as the United States District Court for the Northern District of Texas enters an order on the instant issue.

SIGNED at Houston, Texas, on this 19 day of November, 2009.

A handwritten signature in black ink, appearing to read "David Hittner", written over a horizontal line.

DAVID HITTNER
United States District Judge

documents they may acquire in preparation for their defense in this criminal case and similarly violates their rights as previously described.